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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,628	07/19/2001	Joanne Louise Whitaker	CM1993M	7144

27752 7590 11/19/2003
THE PROCTER & GAMBLE COMPANY
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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 11/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/889,628	Applicant(s) WHITAKER ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,16-29,31 and 32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,16-29,31 and 32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 - * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

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1. This action is responsive to the amendment filed on September 2, 2003.
2. The objection to claim 1 is withdrawn in view of applicants' amendment.
3. The cancellation of claim 30 is acknowledged. Claims 1, 16-29 and 31-32 are pending.
4. The rejection of claims 1, 16-29 under 35 U.S.C. 103(a) as being unpatentable over Schmidt (EP 0,799,886) in view of Davidson (US Patent No. 3,951,821) is withdrawn in view of applicants' amendment.
5. Claims 1, 16-29, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Davidson as applied to the above claims, and further in view of Gladfelter et al. (WO 92/20774), hereinafter "Gladfelter" for the reasons set forth in the office action in paper number 9.

Response to Applicants' Arguments

6. Applicants' arguments filed September 2, 2003 have been fully considered but they are not persuasive.

With respect to the rejection based upon Schmidt in view of Davidson and further in view of Gladfelter, Applicants argue that Gladfelter fails to specifically disclose the compression

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pressure of the first and second phases and the dissolution of the phases of the tablet, however, Applicants submit that whether Gladfelter teaches or discloses the compression pressure for the two separate components (e.g. the bar and the insert) is not the critical issue, rather it is one component that is compressed into the other such that an adhesion between the two components exists.

The Examiner respectfully disagrees with the above arguments because Schmidt, the primary reference, already teaches the tableting pressures at page 9, lines 27-28. And Gladfelter, at page 7, lines 27-29, teaches that compressed solids include solids formed by processes like tableting known to those of skill in the art. Hence, the required compression pressure is suggested by the prior art of record. With respect to the adhesion between the two components, the reasons below apply here as well.

Applicants also argue that Gladfelter fails to teach two or more products and/or phases that are compressed and/or adhesively, physically or chemically, combined together to form a physical single end product. Applicants also argue that Gladfelter discloses making two, separate, discrete compositions that are in the form such that the two composition can be interlocked, like a puzzle such that a substantially continuous surface is formed, which Applicants submit that however close the two pieces come to one another upon interlocking, they do not become a physical single end product because they are not compressed together nor adhesively combined together.

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The Examiner respectfully disagrees with the above arguments because on page 2, lines 25-32, Gladfelter teaches a solid chemical concentrate system of at least two cooperative shapes, the first shape is an inwardly curved bar and has an inner opening, the second shape is an insert which interlocks with the bar by fitting within the inner opening, and when used together, the bar and insert has at least one substantially continuous surface. On page 26, lines 31-34, Gladfelter also teaches that the component system may be dispensed as a single unit. The fitting of the insert within the inner opening of the bar would result in a single end product and such fitting would be equivalent to physical adhesion. Accordingly, the Examiner respectfully disagrees that the above rejection should be withdrawn.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

November 17, 2003

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751